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Costa Rica

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1967) ICESCR (1968) ICCPR (1968) ICCPR-OP 2 (1998) CEDAW (1986) CAT (1993) OP-CAT (2005) CRC (1990) OP-CRC-AC (2003) OP-CRC-SC (2002) CRPD (2008)	CPED (2012)	ICRMW
Reservations, declarations and/or understandings	-	-	-
Complaint procedures, inquiry and urgent action[3]	ICERD, art. 14 (1974) ICCPR-OP 1 (1968) OP-CEDAW, art. 8 (2001) CAT, arts. 20 (1993), 21 and 22 (2002) OP-CRPD, art. 6 (2008)	OP-CRC-IC (2014) OP-ICESCR (signature only, 2011)	ICCPR, art. 41 ICRMW CPED, arts. 31 and 32

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*[4]
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Palermo Protocol[5] Conventions on refugees and stateless persons[6] Geneva Conventions of 12 August 1949 and Additional Protocols thereto[7] ILO fundamental conventions[8] ILO Convention No. 169[9] UNESCO Convention against Discrimination in Education		ILO Convention No. 189[10]

1. In 2011, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) invited Costa Rica to ratify ICRMW.[11]

2. CRC recommended that Costa Rica ratify OP-ICESCR.[12]

3. CEDAW recommended that Costa Rica ratify ILO Convention No. 189 concerning Decent Work for Domestic Workers.[13]

B. Constitutional and legislative framework

4. CEDAW expressed concern that article 75 of the Constitution might have an impact on the persistence of traditional gender roles.[14]

5. CRC reiterated its concern that possession of child pornography was not fully covered by the Penal Code; in that connection, it recommended that Costa Rica adopt draft law No. 14568. It also recommended the adoption of draft law No. 14204 to ensure extraterritorial jurisdiction for sexual crimes against children committed outside the territory of Costa Rica.[15]

6. CEDAW was concerned that the 2010 Immigration Act did not adequately cover the problems of migrant and refugee women in the labour market.[16]

7. CRC recommended the harmonization of legislation and public policies with the Convention, in particular regarding children affected by migration.[17]

8. In 2009, the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation recommended that Costa Rica adopt a new water law. The law should, inter alia, recognize water as a limited natural resource, include appropriate mechanisms to ensure that water and water facilities/services are accessible to all, and incorporate measures to improve and monitor the quality of potable water.[18] Costa Rica submitted detailed comments on the report of the Independent Expert.[19] In 2013, the

Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment recommended the adoption of an updated water law.[20]

9. The Independent Expert on water and sanitation also recommended that Costa Rica undertake a comprehensive review of its normative framework on sanitation, with a view to ensuring the establishment of a coherent and comprehensive system for the collection, management, treatment and disposal of human excreta and wastewater. Such legislation should recognize that access to sanitation constitutes a sine qua non condition for the effective exercise of other rights.[21]

10. In 2011 the Special Rapporteur on the rights of indigenous peoples noted that, for more than a decade, indigenous leaders had been promoting the development of a bill guaranteeing the rights of indigenous peoples in the country.[22] The Special Rapporteur recalled that in 2007, the Committee on the Elimination of Racial Discrimination (CERD) had recommended that the State "remove without delay the legislative obstacles preventing the adoption of the Autonomous Development of Indigenous Peoples Bill".[23] In its observations on the report of the Special Rapporteur, Costa Rica pointed out that while various groups had advocated the Bill, others had opposed it.[24]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[25]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[26]
Defensoría de los Habitantes	A (2006)	A (2011)

11. While noting that the Defensoría de los Habitantes worked in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with respect to complaints from or on behalf of children, CRC recommended that Costa Rica establish a specialized unit to protect child rights.[27]

12. The United Nations system in Costa Rica (UN-Costa Rica), referring to the drafting process of the National Plan against Racism and Racial Discrimination, stated that Costa Rica should be urged to define a time frame and specific objectives for that work that allowed progress to be verified and followed up.[28]

13. While welcoming the National Policy for Children and Adolescents (PNNA) 2009–2021,[29] CRC was concerned that programmes to protect child rights, especially regarding violence, commercial sexual exploitation and child labour, were often not implemented at the local level.[30] It recommended that Costa Rica ensure stronger coordination between entities dealing with issues relating to children and provide the National Council on Children and Adolescents and its chair, the National Child Welfare Agency (PANI), with resources.[31] It also recommended that the national plan of action for the implementation of PNNA include a national plan of action for children belonging to minorities, including indigenous, Afro-descendant and migrant children.[32]

14. UN-Costa Rica reported that, given the lack of a system dealing with abandoned children and adolescents in Costa Rica, it was supporting the creation of a national temporary shelter system developed by PANI.[33]

15. CRC urged Costa Rica to ensure that plans to prevent violence discourage repressive actions against children and adolescents, in particular those in vulnerable situations.[34]

16. CEDAW urged Costa Rica to reassign ministerial rank to the Executive President of the National Institute for Women, to enhance the capacity and strengthen the coordination role of the Institute.[35]

17. UN-Costa Rica reported persisting concerns regarding the limited dissemination of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, especially among public sector workers.[36]

18. UN-Costa Rica reported that there was a Commission on Human Rights within the National Commission to Combat AIDS (CONASIDA). However, it did not seem to operate on a regular basis, which decreased the possibility of reducing impunity for discriminatory measures. It recommended that Costa Rica strengthen that body and monitor its work.[37]

19. The Independent Expert on human rights and the environment noted the recent proposal to establish a commission to examine threats to the rights of persons working to protect the environment.[38]

20. UN-Costa Rica identified as good practice the establishment of the Inter-agency Commission for the Follow-up and Implementation of International Human Rights Obligations, which had provided areas of exchange for civil society.[39] UN-Costa Rica renewed its commitment to cooperating with and supporting Costa Rica in the task of implementing the observations made during the new universal periodic review cycle.[40]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[41]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2007	2014	-	Nineteenth to twenty-first reports pending consideration
CESCR	November 2007	-	-	Fifth report overdue since 2012
HR Committee	November 2007	-	-	Sixth report overdue since 2012
CEDAW	July 2003	2010	July 2011	Seventh report due in 2015
CAT	May 2008	-	-	Third report overdue since 2012
CRC	June 2005 (OP-AC and OP-SC, February 2007)	2009	June 2011	Fifth and sixth reports due in 2016
CRPD	-	2011	-	Initial report pending consideration in 2014
CED	-	-	-	Initial report due in 2014

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2008	Adoption of the Autonomous Development of Indigenous Peoples Bill; indigenous rights; and migrant workers[42]	-

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2008	Detention centres and human trafficking[43]	2009;[44] dialogue ongoing[45]
CEDAW	2013	Enhance the national gender mechanism; and sexual and reproductive health[46]	2014[47]
CAT	2009	Pretrial detention; prison overcrowding; migration bill; detention of non-citizens; and investigation of torture[48]	Reminder sent in 2009[49]

B. Cooperation with special procedures[50]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Water and sanitation (19–27 March 2009)[51]	Indigenous peoples (24–27 April 2011)[52] Environment (28 July–1 August 2013)
Visits agreed to in principle	-	-
Visits requested	-	-
Responses to letters of allegations and urgent appeals	During the period under review six communications were sent. The Government replied to all of those communications	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

21. The OHCHR Regional Office for Central America covers cooperation with Costa Rica. During the past four years, the Office provided training on international human rights mechanisms, racial discrimination and ICERD for members of an inter-institutional commission; prepared, jointly with the Ministry of Foreign Affairs, a compilation of recommendations by the international human rights mechanisms issued in relation to Costa Rica; supported the drafting of a national action plan against racial discrimination being developed through a process involving civil society organizations and representatives of African-descent and indigenous peoples; and contributed to the increased awareness of indigenous peoples' organizations regarding the recommendations concerning the Diquis hydroelectric project formulated by the Special Rapporteur on the rights of indigenous peoples, and to the definition of a road map for the implementation of those recommendations.[53] OHCHR also supported the drafting of a handbook to systematize the way cases of discrimination are handled by the national human rights institution.[54]

22. Costa Rica has continued to regularly contribute financially to OHCHR.[55]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

23. In 2011, CEDAW expressed concern about discriminatory traditional attitudes and the negative influence of some religious beliefs and cultural patterns that hampered the advancement of women's rights. The Committee recommended that Costa Rica conduct awareness-raising campaigns to bring about changes in traditional attitudes associated with discriminatory gender roles.[56] CEDAW called on Costa Rica to provide effective protection

against violence and discrimination against women, in line with an accepted UPR recommendation.[57]

24. CEDAW reiterated its concern at the disadvantaged position of women in rural and remote areas, and called upon Costa Rica to pay special attention to their needs.[58] The Committee recommended that Costa Rica promote temporary special measures to achieve women's substantive equality.[59]

25. CRC recommended that Costa Rica strengthen its efforts to eliminate discrimination against indigenous children, children of African descent, migrant children, and children with disabilities; and improve the socioeconomic situation of indigenous and other minority children.[60]

26. CEDAW expressed concern about discrimination against lesbian, bisexual, transgender and intersex women in access to education, employment and health-care services, and about information that some of those women were victims of abuse and mistreatment by health service providers and law enforcement officials. It urged Costa Rica to combat discrimination against women based on their sexual orientation and gender identity.[61]

27. UN-Costa Rica reported that regulations and practices had yet to be amended to ensure that identity documents, including those for migrants, corresponded to the gender identity and expression of all holders.[62]

B. Right to life, liberty and security of the person

28. CRC noted allegations of ill-treatment of juveniles in detention and in penal institutions. It urged Costa Rica to investigate all cases of ill-treatment of children by police officers and prison guards.[63]

29. In the framework of follow-up to concluding observations in 2010 and 2011, the Human Rights Committee requested complementary information regarding the measures to improve detention conditions and solve overcrowding in detention centres, including those administered by the migration authorities.[64]

30. While acknowledging the prevention system on violence against women and within the family, CEDAW was concerned at the 52,103 cases of domestic violence in 2009. It called upon Costa Rica to enhance coordination among institutions providing assistance and support and ensure shelters to victims.[65] UN-Costa Rica indicated that political decisions and funding were needed to overcome the limitations that had a negative impact on said approach to violence against women.[66]

31. CRC was concerned about the high incidence of intrafamily and sexual violence against children and adolescents, in particular girls. Referring to the UPR recommendations on domestic violence addressed to the State in 2009, CRC recommended the amendment of the 1996 Domestic Violence Act to define domestic violence as a crime; strengthen public awareness programmes; and provide systematic training to judges, prosecutors, police and other law enforcement officers.[67]

32. CRC remained concerned at the high number of complaints from children and adolescents regarding mistreatment by teachers. It recommended that Costa Rica fully implement Act No. 8654 prohibiting corporal punishment and effectively prosecute cases, irrespective of whether or not such punishment resulted in physical injuries.[68]

33. While noting the initiatives to address trafficking in women and girls, CEDAW was concerned at the lack of resources to combat trafficking and prostitution and at the low numbers of cases investigated.[69] It urged Costa Rica to address the complexities of

trafficking in women and girls and exploitation of prostitution and to harmonize legal procedures aimed at prosecuting traffickers.[70]

34. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that the Act against the Smuggling of Migrants and Trafficking in Persons had been enacted in 2013. Through the Act, the Government had established the National Coalition against the Smuggling of Migrants and Human Trafficking, which had authorized the provision of temporary visas to assist victims of human trafficking.[71]

35. CRC noted with concern trafficking in children for purposes of forced labour and sexual exploitation, particularly in the sex tourism industry, and the absence of criminal law provisions specifically criminalizing trafficking in children.[72] It recommended that Costa Rica criminalize all forms of trafficking in children; facilitate access to justice and provide compensation for child victims, and ensure their referral to the asylum procedure; and enhance victim protection and assistance.[73]

36. CRC remained concerned about the high number of children, including children in street situations, who were victims of sexual exploitation.[74]

37. CRC recalled the UPR recommendations addressed to Costa Rica in 2009, and expressed concern about the reportedly high number of children engaged in child labour. It recommended that Costa Rica adopt a coordinated strategy and a dedicated budget for combating the worst forms of child labour and strengthen the Labour Inspectorate.[75]

38. UN-Costa Rica was concerned by the large number of children involved in child labour. It noted the UPR recommendations and remained concerned by the absence of a coordinated strategy and a specific budget to combat the worst forms of child labour. It also reported that Costa Rica received a significant number of migrant indigenous communities and said that attention should be paid to the work of minors on coffee plantations, which required the adoption of institutional action aimed at eradicating child labour.[76]

C. Administration of justice, including impunity

39. UN-Costa Rica reported that there was a lack of specific and comprehensive prison regulations incorporating a human rights perspective with a gender focus, aimed at effectively addressing social reintegration. A bill had recently been presented on the execution of sentences that had been drawn up with the participation of several interested institutions, with the support of the United Nations Development Programme. UN-Costa Rica said that the executive and legislative powers should be urged to promote discussion of the bill given the noticeable worsening of prison conditions.[77]

40. CRC was concerned about the high number of children and adolescents in juvenile detention centres and penal institutions. It recommended that Costa Rica train judges who are in the juvenile justice system, including on non-custodial measures, and improve detention conditions for persons below the age of 18.[78]

41. CRC recommended that Costa Rica ensure the protection of child victims and witnesses, as well as their access to redress and reparation.[79]

42. CEDAW urged Costa Rica to undertake awareness-raising campaigns targeted at women in order to ensure their capacity to claim protection of their rights.[80]

D. Right to privacy, marriage and family life

43. CRC noted with concern that indigenous children and children of seasonal workers from neighbouring countries were in some cases not registered at birth. It recommended

that Costa Rica register at birth all indigenous and migrant children and provide them with personal documents that enable their access to social services.[81]

44. CRC noted with concern that children aged 15–18 could get married with their parents' consent, and also noted the very low minimum age of sexual consent of 13 years.[82]

45. CRC was concerned that many children were placed in institutions rather than in family-type care settings, in particular children in situations of greater vulnerability. It recommended that Costa Rica give preference to family-type care over institutions.[83]

46. CRC recommended that Costa Rica adopt legislation prohibiting direct adoptions without intervention by PANI and harmonize domestic legislation with international legal standards on adoption.[84]

47. UN-Costa Rica reported that the Constitutional Chamber had rejected an application for constitutional review of article 14, subsection 6, of the Family Code and article 176 of the Criminal Code, which prevent civil marriage between persons of the same sex. Civil society is mobilizing to present a bill, as a people's initiative, that establishes equal marriage.[85]

E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

48. The United Nations Educational, Scientific and Cultural Organization (UNESCO) welcomed progressive efforts in eliminating criminal defamation, including the amendment to the Computer Crimes Act in 2013 to eliminate imprisonment for publishing what is considered as secret political information.[86] UNESCO encouraged Costa Rica to adopt a freedom of information law that was in line with international standards.[87]

49. CRC recommended that Costa Rica strengthen the opportunities for children and adolescents, including girls, to freely express their views, and take into consideration the special requirements of children with disabilities, indigenous and migrant children and other children in situations of vulnerability.[88]

50. CEDAW noted with satisfaction the amendment of the 2009 Electoral Code, which changed the system of quotas for women's participation in political life to a system based on gender parity.[89] The Committee recommended that Costa Rica adopt, whenever necessary, temporary special measures to accelerate women's full and equal participation in public and political life, in particular with respect to disadvantaged groups of women, such as women with disabilities, indigenous women and women of African descent.[90]

F. Right to work and to just and favourable conditions of work

51. CEDAW expressed its concern that gender stereotypes might have an impact on women opting for traditional social occupations, and on their limited comparative advantage in the labour market, despite their remaining longer than men in the educational system and obtaining higher qualifications.[91] It also expressed concern at the unequal working conditions of women; the persistence of occupational segregation and the concentration of women in low-paid jobs; and wage disparities between women and men in both the public and private sectors.[92]

52. CEDAW was concerned that a large number of sexual harassment complaints had been dismissed. It recommended that Costa Rica ensure that perpetrators are prosecuted.[93]

G. Right to social security and to an adequate standard of living

53. The Independent Expert on water and sanitation urged Costa Rica to strengthen the implementation of its legislation and policies on the collection, management, treatment and disposal of human excreta and wastewater to prevent the contamination of rivers and other water streams.[94]

54. CRC was concerned that poverty and inequalities had increased in Costa Rica. It recommended that the State ensure that benefits in the social services are equitable.[95]

H. Right to health

55. CRC was concerned about the high infant mortality among indigenous and other minority children due to, inter alia, preventable diseases, and about the low coverage of primary health-care services in rural and coastal areas. It recommended that Costa Rica ensure affordable access to basic health care for all children.[96]

56. CEDAW expressed concern about the inadequate protection of sexual and reproductive rights and about the limited assisted reproductive health services, including in vitro fertilization, which was declared unconstitutional by the Supreme Court of Justice in 2000. It urged Costa Rica to adopt the amendment to the General Health Act, which envisaged the introduction of a chapter on sexual and reproductive rights; consider lifting the ban on in vitro fertilization and ensure access to assisted reproductive services; and make accessible and available technologically advanced contraceptive methods to women.[97]

57. CRC recommended that Costa Rica design and implement an intersectoral public policy for health and sexual and reproductive rights aimed at adolescents.[98]

58. UN-Costa Rica reported that pregnant migrant women with irregular status could not access antenatal and postnatal care programmes.[99]

59. CRC was concerned about the lack of access to legal abortion, the absence of guidelines that inform doctors when they can legally perform an abortion, and the high rate of unsafe abortions.[100] CEDAW recommended that Costa Rica elaborate clear medical guidelines on access to legal abortion and consider reviewing the law relating to abortion to identify other circumstances under which abortion could be permitted, such as abortions in cases of pregnancies resulting from rape or incest,[101] including intrafamily sexual violence.[102]

60. UN-Costa Rica reported that the Inter-American Commission on Human Rights had received complaints that therapeutic abortions were denied. Abortion was permitted only in cases where the life or health of the mother was in danger; however, a restrictive interpretation tended to be applied to "health" and, because no institutional mechanism existed that required legislation to be applied, service providers' beliefs tended to be the basis for decisions taken in that regard.[103]

61. CRC was concerned about the high rate of early pregnancies and recommended that Costa Rica reinforce support for child and adolescent mothers.[104]

I. Right to education

62. CRC recommended that Costa Rica reinforce bilingual and intercultural education models for indigenous children, and include education on indigenous cultures in the national school curriculum, with a view to promoting respect for diversity.[105]

63. CRC recommended that Costa Rica develop programmes to reduce school drop-out, consider increasing investment in educational infrastructure, and promote more effective programmes to address low school attendance by indigenous and migrant children.[106]

64. CEDAW called upon Costa Rica to eradicate gender stereotypes from the curricula in both formal and informal education.[107]

65. Noting that teenage pregnancy was one of the causes of girls dropping out of school, CEDAW called upon Costa Rica to introduce a programme on sexual and reproductive health and rights education.[108]

66. UNESCO indicated that Costa Rica could be encouraged to further elaborate provisions in its legislation and/or report on the justiciability of the right to education;[109] to strengthen measures that allowed indigenous communities to have access to education;[110] to continue to promote cultural development for the indigenous population;[111] and to incorporate human rights education in school curricula.[112]

J. Persons with disabilities

67. CRC noted with concern that Costa Rica had not adopted any implementing legislation or an integrated policy to protect the rights of children with disabilities.[113] It recommended that Costa Rica improve the coverage of the public support network aimed at children and adolescents with disabilities to ensure they have adequate access, including in rural areas, to, inter alia, medical care and social services as part of the National Health System; ensure that schools and classrooms are physically accessible; and prioritize the progressive implementation of inclusive education for children with disabilities.[114]

68. UN-Costa Rica reported that since 2012 a National Disability Policy 2011–2021 had been in place in Costa Rica setting out commitments and creating a technical body, which was being developed through the Policy Action Plan.[115]

K. Minorities and indigenous peoples

69. UN-Costa Rica reported that the indigenous population suffered not only from discrimination, but also from a high degree of invisibility, including with regard to the priorities of public policy.[116]

70. CEDAW encouraged Costa Rica to accelerate the improvement of conditions of indigenous and Afro-descendant women.[117]

71. In 2010, the Committee on the Elimination of Racial Discrimination examined the situation of the indigenous people of Térraba under its early warning and urgent action procedure.[118] The Committee expressed its concern that the people of Térraba had not been consulted concerning a hydroelectric dam project.[119] It stated that the construction of the Diquís dam would interfere in the traditional lands of indigenous peoples, endangering the cultural and even physical survival of the Térraba people and aggravating their current conditions of extreme poverty.[120] The Committee reiterated that the State should guarantee the right to land tenure to indigenous peoples.[121]

72. In 2011, the Special Rapporteur on the rights of indigenous peoples made a series of observations and recommendations on the situation of the indigenous peoples affected by the El Diquís hydroelectric dam project.[122] The Special Rapporteur emphasized that all parties agreed on the need to conduct consultations, in accordance with international norms with the indigenous peoples in the areas affected by the project prior to its approval.[123] He proposed that, with the consent of all parties, a team of independent experts should be

established to facilitate the consultation process.[124] In its observations, the Government declared its interest in the Rapporteur's proposal and sought and expressed appreciation for the support of the United Nations system in assembling the team.[125]

73. UN-Costa Rica reported that as part of the follow-up to the Special Rapporteur's recommendations, a discussion forum had been initiated alongside the Ombudsman's Office. The State, among others, should be urged to: formalize the discussion forum, or an equivalent mechanism, by decree; include a specific chapter for indigenous peoples in the National Development Plan; promote legislation guaranteeing the autonomy of indigenous peoples; and use dialogue to develop the necessary tools for consultation processes.[126]

74. The Special Rapporteur on the rights of indigenous peoples noted that Costa Rica had granted legal protection to indigenous lands. However, he pointed out that those lands were mainly inhabited by non-indigenous persons.[127] Solutions needed to be sought to allow indigenous peoples to recover the land within their territories.[128] In its observations, the Government expressed its willingness to discuss the matter.[129]

75. In 2011, CERD expressed concern about the pressure which indigenous people of Térraba were under to support the dam project;[130] and about the Government's claims that the situation surrounding the Diquís dam was a reason not to approve the bill on the autonomy of indigenous peoples.[131] CERD requested that the recommendations of the Special Rapporteur on the rights of indigenous peoples be implemented.[132]

76. In 2013, CERD expressed concern at acts of violence committed against the Terribe and Bribri peoples and the illegal occupation of their lands.[133] It requested Costa Rica to guarantee the right to land of Terribe and Bribri peoples and urged it to approve the bill on the autonomous development of indigenous peoples.[134]

L. Migrants, refugees and asylum seekers

77. UN-Costa Rica said that Costa Rica had made progress in addressing the phenomenon of migration. The Migration and Aliens Act and its regulations had moved beyond a focus on national security and towards a human rights perspective, but there was still a long way to go to achieve universal recognition of and access to the rights of migrants and their families. It was important to press for the signing and ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[135]

78. UNHCR indicated that Costa Rica had made significant efforts towards developing alternatives to the administrative detention of undocumented migrants. The length of administrative detention had also been reduced. More efforts were needed to ensure the prompt identification of persons who may be in need of international protection.[136]

79. UN-Costa Rica said that complaints relating to the exploitation of migrant workers, including cases of human trafficking, reflected vulnerabilities in some labour sectors, such as domestic work, agro-industry and construction.[137]

80. CEDAW recommended that Costa Rica conduct a review of the legal protection afforded to women migrant domestic workers under the 2009 Paid Domestic Work Act and other relevant legislation.[138]

81. UNHCR indicated that, in the past 13 years, Costa Rica had recognized approximately 12,500 refugees from 42 countries. The new Immigration Act, in line with international refugee protection standards, had entered into force in 2010. The Act had modified the refugee status determination system and created several bodies to receive and assess claims, and to process first and second instance appeals.[139] UNHCR recommended that Costa Rica enhance the effectiveness of the refugee status determination procedure,

increase human resources in order to eliminate the backlog of pending asylum claims, and reduce the time frames for decision-making at all stages of the procedure.[140]

82. UNHCR highlighted as achievements the adoption of the 2010 Immigration Act, which included the principle of non-refoulement and incorporated gender-based persecution as a specific ground for recognition of refugee status. The Act also provided for humanitarian considerations of special categories of persons to be granted asylum (stateless persons and victims of trafficking) and other humanitarian visas.[141] UN-Costa Rica stated that in 2012, Costa Rica had granted international protection as refugees to two persons suffering persecution in their countries of origin because of their sexual orientation.[142]

83. Costa Rica had further adopted the Refugee Regulations for the Immigration Act, which provided asylum seekers with the right to work while awaiting a resolution on their asylum claim.[143]

84. UNHCR recommended that Costa Rica continue to facilitate the local integration of refugees, raise awareness in order to combat discrimination and xenophobia vis-à-vis asylum seekers and refugees, and ensure that persons of concern are not denied identification documents.[144]

85. UNHCR recommended that Costa Rica continue to develop alternatives to detention and ensure that detention of asylum seekers is used as a last resort.[145]

86. UNHCR recommended that Costa Rica enact regulations to the Act against the Smuggling of Migrants and Trafficking in Persons in order to reinforce the identification of and assistance for victims of trafficking, and establish a referral mechanism to enable such victims to apply for asylum, wherever appropriate.[146]

87. UNHCR recommended that Costa Rica implement a statelessness determination procedure to identify stateless persons within its territory, and intensify efforts to improve the birth registration rates of children coming from indigenous groups, among other vulnerable groups.[147]

M. Right to development and environmental issues

88. The Independent Expert on human rights and the environment reported that the Constitution of Costa Rica included the right to a healthy environment, and that the country had gone much further than most by adopting a human rights-based approach to protecting the environment.[148] He highlighted the success of Costa Rica in replanting forests in its territory, increasing coverage from 26 per cent to the current figure of more than 52 per cent, giving current and future generations the security of a healthier environment. He also drew attention to its sustainable tourism practices and the participation of communities in environment protection planning.[149]

89. The Independent Expert emphasized that there were still significant challenges to be met, such as the need to strengthen State protection and surveillance in protected areas. He also observed that in response to the perceived vulnerability of such areas, social and community organizations as well as individual citizens had undertaken surveillance tasks, which had put them at risk.[150]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of

the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Costa Rica from the previous cycle (A/HRC/WG.6/6/CRI/2).

[2] The following abbreviations have been used for the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] As at 16 January 2014.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
[10] International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
[11] Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/CRI/CO/5-6), para. 45 and concluding observations of the Committee on the Rights of the Child (CRC/C/CRI/CO/4), para. 86.
[12] CRC/C/CRI/CO/4, para. 86.
[13] CEDAW/C/CRI/CO/5-6, para. 29.
[14] Ibid., para. 18.
[15] CRC/C/CRI/CO/4, paras. 79–80.
[16] CEDAW/C/CRI/CO/5-6, para. 28.
[17] CRC/C/CRI/CO/4, para. 10.
[18] A/HRC/12/24/Add.1 and Corr.1, para. 75 (b), (d) and (e).
[19] A/HRC/12/G/3, p. 4.
[20] Press release, "Independent Expert concludes visit to Costa Rica". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13609&LangID=E (English) and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13609&LangID=S (Spanish).
[21] A/HRC/12/24/Add.1 and Corr.1, para. 77.
[22] A/HRC/18/35/Add.8, para. 45.
[23] Ibid., para. 48 and concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/CRI/CO/18), para. 9.
[24] A/HRC/18/G/8, pp. 12–13.
[25] According to article 5 of the rules of procedure for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
[26] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
[27] CRC/C/CRI/CO/4, para. 15.
[28] UNCT submission to the UPR on Costa Rica, p. 8.
[29] CRC/C/CRI/CO/4, para. 5 (a). See also CRC/C/CRI/CO/4, para. 14.
[30] Ibid., para. 12.
[31] Ibid., para. 13. See also CRC/C/CRI/CO/4, para. 17.
[32] CRC/C/CRI/CO/4, para. 14 (c).
[33] UNCT submission, p. 5.
[34] CRC/C/CRI/CO/4, para. 44.
[35] CEDAW/C/CRI/CO/5-6, para. 15.
[36] UNCT submission, p. 3.
[37] Ibid., p. 9.
[38] Press release (see endnote 20 above)
[39] UNCT submission, p. 17.
[40] UNCT submission, cover letter.
[41] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Committee on the Rights of Persons with Disabilities

CED Committee on Enforced Disappearances

[42] CERD/C/CRI/CO/18, para. 24.
[43] Concluding observations of the Human Rights Committee (CCPR/C/CRI/CO/5), para. 15.
[44] CCPR/C/CRI/CO/5/Add.1 and Add.2.
[45] Letters dated 30 July 2009, 28 September 2010 and 10 May 2011 from the HR Committee to the Permanent Mission of Costa Rica in Geneva. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en.
[46] CEDAW/C/CRI/CO/5-6, para. 46.
[47] CEDAW/C/CRI/CO/5-6/Add.1.
[48] CAT/C/CRI/CO/2, para. 29.
[49] Letter dated 12 November 2009 from CAT to the Permanent Mission of Costa Rica in Geneva. Available from http://www2.ohchr.org/english/bodies/cat/docs/followup/ReminderCostaRica_40.pdf.
[50] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[51] A/HRC/12/24/Add.1 and Corr.1 and response of Costa Rica to the report (A/HRC/12/G/3).
[52] A/HRC/18/35/Add.8 and comments of Costa Rica on the report (A/HRC/18/G/8).
[53] *OHCHR Report 2012*, "OHCHR in the field: Americas", p. 227. Available from http://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/16_Americas.pdf.
[54] *OHCHR Report 2011*, "OHCHR in the field: Americas", p. 284. Available from http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/22_Americas.pdf.
[55] *OHCHR Report 2012*, p. 159.
[56] CEDAW/C/CRI/CO/5-6, paras. 18–19.
[57] Ibid., para. 41.
[58] Ibid., paras. 34–35.
[59] Ibid., para. 17.
[60] CRC/C/CRI/CO/4, para. 30 (a) and (b).
[61] CEDAW/C/CRI/CO/5-6, paras. 40–41.
[62] UNCT submission, p. 8.
[63] CRC/C/CRI/CO/4, paras. 43 (b) and 44.
[64] Letters dated 28 September 2010 and 10 May 2011 from the HR Committee to the Permanent Mission of Costa Rica in Geneva. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en. See also CCPR/C/CRI/CO/5, para. 9.
[65] CEDAW/C/CRI/CO/5-6, paras. 20 and 21 (a) and (b).
[66] UNCT submission, p. 3.
[67] CRC/C/CRI/CO/4, paras. 53 and 54 (b) (f) and (g).
[68] Ibid., paras. 45 and 46 (a).
[69] CEDAW/C/CRI/CO/5-6, para. 22. See also CRC/C/CRI/CO/4, para. 77 (c). See also UNCT submission, p. 12.
[70] CEDAW/C/CRI/CO/5-6, para. 23 (a) and (d). See also UNCT submission, p. 12.
[71] UNHCR submission to the UPR on Costa Rica, p. 2.
[72] CRC/C/CRI/CO/4, para. 77 (a) and (b).
[73] Ibid., para. 78 (a) (d) and (e).
[74] Ibid., para. 75.
[75] Ibid., paras. 73 and 74 (a) and (b).
[76] UNCT submission, p. 6.
[77] Ibid., p. 2.
[78] CRC/C/CRI/CO/4, paras. 83 (a) and 84 (a) and (b).
[79] Ibid., para. 85.
[80] CEDAW/C/CRI/CO/5-6, paras. 10–11.
[81] CRC/C/CRI/CO/4, paras. 35–36.
[82] Ibid., para. 27.
[83] Ibid., paras. 49 and 50 (c).
[84] Ibid., para. 52 (a).
[85] UNCT submission, p. 7.

[86] UNESCO submission to the UPR on Costa Rica, para. 30.
[87] Ibid., para. 31.
[88] CRC/C/CRI/CO/4, para. 34 (a) and (c).
[89] CEDAW/C/CRI/CO/5-6, para. 24. See also CEDAW/C/CRI/CO/5-6, para. 5.
[90] Ibid., para. 25 (b).
[91] Ibid., para. 26.
[92] Ibid., para. 28.
[93] Ibid., paras. 30 and 31 (a).
[94] A/HRC/12/24/Add.1 and Corr.1, para. 80.
[95] CRC/C/CRI/CO/4, paras. 65 and 66 (b).
[96] Ibid., paras. 57 and 58 (a).
[97] CEDAW/C/CRI/CO/5-6, paras. 32 and 33 (a) (b) and (e). See also CRC/C/CRI/CO/4, paras. 63 (d) and (e), and 64 (b) and (e). See also UNCT submission, p. 5.
[98] CRC/C/CRI/CO/4, para. 64 (b).
[99] UNCT submission, p. 16.
[100] CRC/C/CRI/CO/4, para. 63 (c). See also CEDAW/C/CRI/CO/5-6, para. 32.
[101] CEDAW/C/CRI/CO/5-6, para. 33 (c) and (d). See also CRC/C/CRI/CO/4, para. 64 (c).
[102] CRC/C/CRI/CO/4, para. 64 (d).
[103] UNCT submission, p. 5.
[104] CRC/C/CRI/CO/4, paras. 63 (a) and 64 (a).
[105] Ibid., para. 70 (a) and (e).
[106] Ibid., para. 68 (a) (c) and (d). See also UNCT submission, p. 15.
[107] CEDAW/C/CRI/CO/5-6, para. 27 (b).
[108] Ibid., paras. 26 and 27 (c). See also CRC/C/CRI/CO/4, para. 64 (f).
[109] UNESCO submission, para. 25.
[110] Ibid., para. 26.
[111] Ibid., para. 27.
[112] Ibid., para. 28. See also UNCT submission, p. 15.
[113] CRC/C/CRI/CO/4, para. 55.
[114] Ibid., paras. 56 (b), and 72 (a) and (b). See also CRC/C/CRI/CO/4, para. 56 (a).
[115] UNCT submission, p. 8.
[116] Ibid., p. 13.
[117] CEDAW/C/CRI/CO/5-6, para. 39.
[118] Letter dated 27 August 2010 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1. Available from http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/CostaRica27082010.pdf.
[119] A/65/18, para. 27, and letter dated 27 August 2010 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1.
[120] Letter dated 27 August 2010 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1. See also A/65/18, para. 27.
[121] Letter dated 27 August 2010 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 2.
[122] A/HRC/18/35/Add.8, paras. 8–48.
[123] Ibid., para. 11.
[124] Ibid., para. 38.
[125] A/HRC/18/G/8, p. 11.
[126] UNCT submission, pp. 13–14.
[127] A/HRC/18/35/Add.8, para. 42.
[128] Ibid., para. 44.
[129] A/HRC/18/G/8, p. 12.
[130] A/66/18, para. 25 and letter dated 2 September 2011 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1, available from http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/CostaRica02092011.pdf.
[131] Letter dated 2 September 2011 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1
[132] Ibid., p. 2.
[133] A/68/18, para. 29 and letter dated 1 March 2013 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 1, available from http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/CostaRica1March2013.pdf.

[134] A/68/18, para. 29 and letter dated 1 March 2013 from CERD to the Permanent Mission of Costa Rica in Geneva, p. 2.
[135] UNCT submission, p. 9.
[136] UNHCR submission, p. 3.
[137] UNCT submission, p. 9. See also p. 16.
[138] CEDAW/C/CRI/CO/5-6, para. 37.
[139] UNHCR submission, p. 1.
[140] Ibid., p. 4.
[141] Ibid., p. 2.
[142] UNCT submission, p. 8.
[143] UNHCR submission, p. 2.
[144] Ibid., p. 5.
[145] Ibid., p. 6.
[146] Ibid., p. 7.
[147] Ibid., p. 8.
[148] Press release (see endnote 20 above).
[149] Ibid.
[150] Ibid.